

BOARD OF COUNTY COMMISSIONERS  
LEON COUNTY, FLORIDA  
REGULAR MEETING  
MARCH 18, 2003

**DRAFT: NOT APPROVED BY BCC**  
**ANTICIPATED DATE OF APPROVAL: APRIL 22, 2003**

The Board of County Commissioners of Leon County, Florida met in regular session with Chairman Grippa presiding. Present were Commissioners Sauls, Thael, Winchester, Proctor, Rackleff, and Maloy. Also present were County Attorney Herb Thiele, County Administrator Parwez Alam, Assistant County Administrator Vince Long, Deputy Clerk Bill Bogan, Jr., and Secretary Sandra C. O'Neal. The meeting was called to order at 5:00 p.m.

Invocation was provided by Commissioner Maloy, which was followed by the Pledge of Allegiance to the Flag.

*The Chairman advised that the air conditioning in the Courthouse was not working and requested, informally, that everyone limit their comments to 3 minutes.*

**Awards and Presentations**

- The Chairman, on behalf of the Board, read and presented attached Resolution Recognizing the Tallahassee Big Bend Crime Stoppers' Outstanding Efforts in Fighting Crimes in our Community. A representative from Crime Stoppers thanked the Board and the Sheriff for their support. Leon County Sheriff Larry Campbell approached the Board and commended "Crime Stoppers" as a valuable asset.
- Chairman Grippa and Commissioner Thael, on behalf of the Board, presented the attached Resolution in Support of March of Dimes – Walk America. State Representative Ausley encouraged the Board and citizens to participate in the walk on April 12, 2003 at Cascade Park and to support the good work of the March of Dimes. David Campbell, Executive Director of the March of Dimes, appeared and introduced the March of Dimes Leaders who were present. Linda Powell, Division Chair, explained the upcoming event.

*Commissioner Winchester extended condolences to County Administrator Alam for the recent loss of his wife, Masooma. He also thanked Leon County for all the love and support offered to his family over the recent loss of his brother, Gus Winchester. The Board extended their love and prayers to both families.*

## **Consent Agenda**

Commissioner Sauls moved, duly seconded by Commissioner Maloy and carried unanimously, 7/0 to approve the following Consent Agenda with the exception of Items 5 and 16, which were addressed as described:

1. Approval of Minutes:

The Board approved Minutes of the January 23, 2003 Special Joint City/County Comp Plan 2003-1 Amendment; January 27, 2003 Special Board Meeting on Blueprint 2000; February 11, 2003 Regular Meeting; February 25, 2003 Regular Meeting

2. Approval of Payment of Bills

The Board approved Option 1: Approve payment of vouchers submitted for approval for March 11, 2003 and March 18, 2003: \$7,864,615.82.

3. Request to Schedule Workshop on EMS Funding Alternatives

The Board approved Option 1: Add "EMS Funding Alternatives" to the "Alternatives for the Elimination of the Fire MSTU" Workshop scheduled for Tuesday, March 25, 2003 from 2:00 – 4:00 p.m.

4. Approval of Funding for Consulting Services for EMS Program

The Board approved Option 1: Approve funding for consulting services for the County EMS program in the amount of \$285,000 and Board authorization of resolution and budget amendment.

5. Approval of Proposed Radio Advertising for WTAL-1450 AM

Commissioner Thael pulled this item to ensure that staff keeps with Board direction and uses the airtime for advertising certain events and not as a public relations opportunity for individual Commissioners' advertising campaigns. Commissioner Thael moved, duly seconded by Commissioner Rackleff and carried unanimously, 7,0, to approve Option 1: Approve the list of events for advertising on WTAL-1450 AM and to add the "earned income tax credit" to the list of advertised topics (as recommended by Commissioner Maloy). See attachment:

6. Approval of Amendment to Byrne Grant Subgrant for the Enhanced Probation Program

The Board approved Options 1, 2, and 3: 1) Approve the proposed program amendments and authorize the Chairman to submit the required cover letter to the Florida Department of Law Enforcement; 2) Approve the realignment of the operating budget and realize \$8,685 in program revenue by resolution for Enhanced Pretrial/Probation Program I and approve the realignment of the budget of the Enhanced Pretrial/Probation Program II; 3) Direct staff to work with the Florida Department of Law Enforcement and the City of Tallahassee Police Department to develop a proposal to reprogram the funds currently allocated to the Enhanced Pretrial/Probation Program II and bring the proposal back to the Board for review.

7. Approval to Award MIS Professional Services Contract as Part of the Community Access Program (CAP)

This agenda item seeks Board approval to award a contract for professional services for Phase 3 of the MIS project for CareNet partners as part of the Federal CAP Grant Project to Cobra Technologies, Inc. The Board approved Option 1: Award Community Awareness and Education contract to Cobra Technologies, Inc., in an amount not to exceed \$45,000, with the option of adding other system enhancements at the sole discretion of the County and authorize Chairman to execute contract.

8. Adoption of Reimbursement Resolution Associated with Bond Issue

The Board approved option 1: Approve the Reimbursement Resolution No. 03-14 (tax-exempt financing) associated with the Bank of America/Parking Garage Bond Issue. (The Board authorized the issuance of a bond to acquire the Bank of America Building and to make certain improvements at the existing Courthouse. Certain expenditures associated with the parking garage may take place prior to the issuance of the bond. The resolution allows the County to reimburse general revenue expenditures associated with the Courthouse parking garage repairs with bond proceeds.)

9. Approval of Amendment #003 to Contract BJN-08, Juvenile Dependency Mediation Services

The Board approved Option 1: Approve Amendment #003 to Contract BJN-08 Budget Resolution and associated budget amendment request (State of Florida, Department of Children and Families (DCF), and Leon County).

10. Acceptance of Status Report on the Okecheepkee Basin Retrofit Project

The Board approved Option 1: Accept Status Report on the Okecheepkee Basin Retrofit Project.

11. Ratification of Board Actions Taken at the February 25, 2003 Workshop on the Utilization of Open Graded Cold Mix Asphalt for 2/3-2/3 Paving Projects

The Board approved Options 1 and 2: 1) Ratify Board action taken at the February 25, 2003 Workshop on the Utilization of Open Graded Cold Mix Asphalt for 2/3-2/3 Paving Projects; 2) Confirm staff's understanding that the new Policy is to include criteria such that the use of OGCM in this manner is limited to situations where environmental or other physical constraints prohibit the use of conventional asphalt at reasonable costs, and that the use of OGCM will not be allowed for the sole purpose of cost savings seeking to utilize the 2/3-2/3 Paving Project process.

12. Ratification of Board Action Taken at the February 25, 2003 Workshop on Transfer of Development Rights in Leon County for the Upper St. Marks Basin and the Gum Road Target Planning Area

The Board approved Option 1: Ratify Board action taken at the February 25, 2003 workshop on Transfer of Development Rights in Leon County for the Upper St. Marks Basin and for the Gum Road Target Planning Area to not proceed further with implementing a Transfer of Development Rights program in Leon County.

13. Acceptance of Four (4) Conservation Easements from Mike Askari, Askari Used Car Lot; Mike Askari, Mini Warehouse Facility; D's Design of Tallahassee, Bainbridge Oaks Commercial Subdivision; and Tallahassee Chinese Christian Church

The Board approved Option 1: Approve and accept for recording the four (4) conservation easements referenced in the statement of issue (listed above).

14. Ratification of Board Actions Taken at the February 11, 2003 Workshop on Demonstration of Mainline's "Better Place", on Online Citizens Request Management Tracking System

The Board approved Option 1: Ratify Board action taken at the February 11, 2003 Workshop Demonstration. (The Board directed that both Mainline's "Better Place," and the County's CATS system be utilized for a trial 60-day period, with aides entering and tracking complaints in both systems. Brant Information Systems was afforded the opportunity to make its customizable database product available during this trial period but did not make an offer to the Board at this time. The Board also directed staff, at the end of the 60-day trial period, to bring back an agenda item that outlines the results of the two systems' performance and options on the same for the Board's consideration.)

15. Approval to Negotiate Contract with Public Enterprise Group (PEG) for Award of Municipal Marketing Partnership

The Board approved Option 1: Authorize staff to negotiate a contract with Public Enterprise Group (PEG) provided that all funding for the program is paid from revenues generated by the program and authorize the Chairman to execute. If unable to successfully negotiate with PEG, authorize staff to negotiate with the second ranked firm and authorize the Chairman to execute.

16. Update on Treatment of National Guard and Reservist Employees Called to Active Duty

Chairman Rackleff asked for this item to be pulled from Consent to expand on what is being done in the treatment of National Guard and Reserves County employees. The Board discussed the policy pertaining to paying reservists on active duty and Commissioner Rackleff requested contacting other Constitutional Officers and ask them to review their policies pertaining to this same issue and upgrade them if necessary. Commissioner Rackleff moved, duly seconded by Commissioner Thaell and carried unanimously, 7/0, to approve Option 1: Accept the Update on Treatment of National Guard and Reservists Employees Called to Active Duty; adopt the County's current policy and refine it so reservists understand their benefits.

Commissioner Proctor engaged in discussion regarding emergency situations in Leon County such as a bomb threat and wanted to know where citizens report such things. He suggested that this may need to be on the list of topics for the WTAL-1450 radio

station. The Board recommended that Richard Smith, EMS, provide a report for the next Board meeting, March 25, 2003 on the County's emergency/disaster preparedness plan; this would include a status of the football stadium project (Operation Dark Cloud) which was a simulation exercise and a general overview of the County's preparedness for emergencies.

The Chairman announced that the "Yellow Ribbon Campaign" is going on to show support for the troops overseas and the ribbons can be obtained at the Armory.

**Citizens to be Heard on Non-Agenda items (3-minute limit; non-discussion by Commission)**

- a. Abby Kendall, 1925 Tomberlin Road, appeared and was under the impression that the Board would discuss the flood acquisition issue at this Board meeting, but later discovered that it was discussed at a workshop held this afternoon. She stated that she thought that her property was to be appraised and purchased under the acquisition plan in March 2003. Ms. Kendall discussed the seriousness of the flooding in her neighborhood and asked about a timeframe. The Chairman advised that Tony Park, Director of Public Works, would explain, at a sidebar, what course of action the Board took at the workshop today.
- b. Sherrie VanDyke, 16624 Sunray Road, explained that County crew trucks tore up her road in the process of repairing a side road (Sundance Road), which was in a private neighborhood, near her home. The Chairman advised that due to the recent heavy rains, the County was under a local/state emergency and that during an emergency, lives will always take precedent over roads being torn up. The Board assured Mrs. VanDyke that Sunray Road would be repaired appropriately.

**General Business**

17. Request to Schedule Ribbon Cutting Ceremony/Open House for the Solid Waste Transfer Station on March 31, 2003 at 10:00 a.m.

Commissioner Maloy moved, duly seconded by Commissioner Thael and carried unanimously, 7/0, to approve Option 1: Approve Monday, March 31, 2003, 10:00 a.m. for the Ribbon Cutting Ceremony and Open House for the Solid Waste Transfer Station.

18. Approval of Revisions to Policy No. 02-08, Code of Ethics

The Board reviewed and considered amendments to the lobbyist registration provisions of the Code of Ethics, Policy No. 02-08, which was adopted by the Board on July 30, 2002.

Mr. Eugene Danaher, 10263 Thousand Oaks Circle, appeared and made recommendations for insertion of language in the Code Section 5: XV describing the definition of lobbying by certain persons. He suggested adding the following individuals to the list: "Any other County employee who by his job description can influence a County legislation or an official decision, pro or con, at any level in the deliberation process." County Attorney Thiele stated that this is an objective standard and he does not know to whom this will apply to at any particular moment. He stated that the issue that the Board directed staff to look at was the all inclusive nature of whom paid consultants have to meet with on a daily basis, but non of those are in the ultimate decision-making process such as a group director.

Commissioner Thael moved, duly seconded by Commissioner Maloy and carried unanimously, 7/0, to approve Option 1: Revise Policy 02-08 to limit the application of lobbying activities and to delineate a penalty provision; and add the following language to Section 5: XV "or other employees who can make binding administrative decisions for the County" (as suggested by the County Attorney).

19. Board Direction on Continuation of the Property Management Company for the Bank of America (BOA) Building

This item seeks Board direction regarding the property management of the BOA Building. (On January 28, 2003, the Board approved the purchase of the BOA Building from Summit REIT. The current owners, Summit, have a property management contract with Carter & Associates to manage, operate, lease, supervise and maintain the property. This contract is set to expire on June 30, 2003 or upon closing on the sale of the property. Carter & Associates have managed this property since 1998. During the January 28 Board meeting, the Board indicated a desire to not become involved in the operation of the BOA building and requested that an ordinance be proposed to prohibit Commissioners from dealing with the tenants on any issues. The continued use of a property management company was also mentioned as a means to provided this noninvolvement relationship between the Board and the tenants.)

Commissioner Thael moved and was duly seconded by Commissioner Rackleff to approve Option 1: Waive the purchasing policy and direct staff to enter into negotiations with Carter & Associates for property management services through September 30, 2004.

Rick Bateman, 300 East Park Avenue, appeared and explained that he has received calls from several clients who are in the real estate management business who are concerned about this agenda item. The present contract expires in June and there is a definitive list on the duties of a property manager. Mr. Bateman stated that there are local property managers who are capable and interested in entering into a RFP process pursuant to the County's policies. He urged the Board to go through the RFP process and to not waive the purchasing policy.

Kim Dressel, Director of Management Services, indicated that the current tenants were pleased with the current management of the building by Carter & Associates.

Commissioner Maloy indicated that he would be willing to use the current management services to October 2003 but not to obligate to the year 2004.

Commissioner Maloy moved a substitute motion, seconded by Commissioner Proctor to approve Option 2: Waive the purchasing policy and direct staff to enter into negotiations with Carter & Associates for property management services through October 2003, and further direct staff to develop an RFP for property management services. The motion carried 6 – 1 (Commissioner Rackleff voted in opposition).

20. Approval of Proposed Dental Clinic Action Items for Renovations at 912 Railroad Avenue

Several project-related items are required for staff to continue its pursuit of the renovations to 912 Railroad Avenue (Walker Hardware Building/Amtrak property) for purposes of completing a new community dental health clinic facility.

Commissioner Thael moved, duly seconded by Commissioner Proctor and carried unanimously, 7/0, to approve Options 1, 2, 3, and 4: 1) Approve contract proposed by the State DOH in offer to fund the \$650,000 renovation cost for construction of a new dental health clinic; 2) Accept the proposal by Architectural Hardware Products, Inc., to remain a tenant on the property until September



30, 2003; 3) Accept proposed donation of additional right-of-way from the City of Tallahassee for expanded parking lot construction; 4) Approve resolution and budget amendment to establish a capital budget for the Dental Clinic project.

21. Board Direction on Whether to Relocate Growth and Environmental Management (GEM) and the Competitive Site Selection Process

This item seeks Board direction on whether there is a need to relocate the County's Growth and Environmental Management (GEM) offices. If a determination is made to relocate GEM, this item further seeks Board direction on the competitive process for identifying potential relocation sites. (At the February 11<sup>th</sup> Board meeting, the Board directed staff to prepare an agenda item to reconsider the Fringe Benefit Building as a relocation site for the GEM building.)

Terry Ryan, 2538 Stonegate Drive, a mortgage banker, stated that he is familiar with property issues and suggested that there was no need to relocate GEM from its current location and the analysis indicates that GEM meets its 20-year space needs.

Rick Bateman, 300 East Park Avenue, representing Jefferson Management, indicated that the current GEM building is a problem building and urged the Board to go through the competitive bid process and approve Option 2.

Commissioner Thael explained that on July 30<sup>th</sup>, the Board voted to do three things: request the seller of Fringe Benefits to provide architectural renderings for renovation of Fringe Benefit property, at a cost not to exceed \$122 per square foot; 2) develop a sales contract for the Tharpe Street property (at that time it was estimated to have a value of \$1.5 million), 3) identify additional funding to cover potential funding shortfall of \$1.1 million. It was his understanding that Fringe Benefits acted on the direction of the Board and they accomplished the things the Board asked them to do at their expense. Commissioner Thael indicated that perhaps the County has a moral imperative to pay reimbursement for their direct cost. He also voiced concern that staff does not know what the feasibility of the Tharpe Street building would be after the right of way is taken which could affect the parking area.

After a lengthy discussion, Commissioner Thael moved to continue this item until staff receives further information about the DOT and the County right-of-way needs and requested that staff enter

into discussions with the Fringe Benefits Management Company to determine their out of pocket expenses, then consider repaying that amount to them. The motion was declared dead for lack of a second.

Commissioner Rackleff moved and was duly seconded by Commissioner Maloy to approve Option 2: Direct staff to proceed with the competitive process as generally described in this agenda item, including provisions for the exchange of properties, and only consider site proposals from owners and authorized representatives for the sale of an existing facility within the following geographic boundaries: Southern Strategy Area (Attachment #2), Frenchtown/Front Porch (Attachment #3), and the Enterprise Zone (Attachment #4).

Commissioner Proctor moved a substitute motion to approve Option 5: Direct staff to proceed with the competitive process as generally described in this agenda item, including provisions for the exchange of properties, and only consider site proposals from owners and authorized representatives for the sale or lease of an existing facility or proposal for new construction within the following geographic boundaries: Southern Strategy Area (Attachment #2), Frenchtown/Front Porch (Attachment #3,) and the Enterprise Zone (Attachment #4). The motion was declared dead for lack of a second.

Commissioner Sauls indicated that there may be no need to relocate because of the uncertainty of the times and the \$1.1 million for repair costs for the GEM building has already been budgeted. She voiced support for Option 1, to direct staff to retain GEM in its current location and not issue a Request for Bids for relocation sites.

Staff indicated that the RFP could be done in-house.

Chairman Grippa indicated, for the record, that he would not support it if the bid comes back for more than \$2.2 million (the \$1.1 million appraised price of the GEM building and the \$1.1 million for the GEM repairs).

Commissioner Proctor explained, for the record, why he would not vote for the motion on the floor. He stated that he does not want to give the impression that staff or citizens are not worthy of a new GEM building and in order to bring the southern strategy area to life, it would require new construction and new transformation –

moving into an old building would not bring charge and spark to the southern strategy, front porch area.

The motion on the floor carried 5 – 2 (Commissioners Sauls and Proctor voted in opposition).

22. Acceptance of the 2002 Leon County Lakes Ecology Annual Report

Commissioner Maloy moved and was duly seconded by Commissioner Winchester to approve Option 1: Accept the 2002 Leon County Lakes Ecology Annual Report.

Commissioner Rackleff listed three issues of concern; 1) That staff look at the chronic problem of Talquin Electric Package Plan on lower Lake Lafayette which continues to pollute the lake – it has not functioned properly for years – the monitoring station downhill is registering high in nutrients and chloroform; current efforts to clean it up are inadequate; treatment plant is pumping out huge volumes of water into the settling pond; the pond is practically dry and goes down into the ground and into lake several hundred feet away into the lake; 2) Noted that Lake Lafayette has been separated – there are basically four different lakes and each of those lakes are not functional; need to consider a management plan that would take long-term steps to managing the lake better – one recommendation in the report was to dismantle the berm between Lake Piney Z and Lower Lake Lafayette (opposite end of the lake from Fallschase); the water level is pretty much the same and it will not effect the water depth, but it will offer better circulation of water and a better opportunity for the water to naturally improve its cleanliness; 3) most important and urgent problem is the Ochlochnee River – the water coming across the state line from Georgia is filthy because of the malfunctioning municipal sewage plant in Cairo and industrial, agricultural urban runoff; the state of Georgia is moving forward with a plan to dam Tired Creek in Grady County and turn it into a recreation lake that will impound a significant amount of water going into the Ochlochnee River which would affect the water quality and further exacerbate the problem in Leon County.

Commissioner Rackleff offered a friendly amendment to the motion, which was accepted: direct staff to look at the Lake Talquin Package Treatment and bring back their opinions on how and if they should have a management plan for Lake Lafayette for its long term health. Chairman Grippa suggested not just limiting it to Talquin but advised that if the City is dumping pollutants into the lake it should be stopped. Commissioner Rackleff responded

that this is being done with the watershed study for Upper Lake Lafayette where Fallschase is located. He stated that when they get the data back from the study, they will know what action is necessary. In the case of Talquin Electric, staff knows what the problem is and current enforcement efforts are inadequate.

Commissioner Rackleff explained that after this vote, he suggested the Board consider filing a Clean Water Act lawsuit against the state of Georgia for serious water quality problems involving Ochlocknee River. He explained that he discussed the lawsuit with the County Attorney and they already have data. He indicated that it may not involve a lot of litigation but a possible settlement agreement, an enforceable agreement with Georgia to take necessary measures to clean it up.

Commissioner Sauls reported that she talked with Sean McGlynn about Ochlochnee basin and the Tired Creek dam situation coming down out of Cairo. It would not only affect Lake Talquin but also Lake Iamonia, Lake Carr, and Lake Jackson.

The Chairman asked Commissioner Rackleff if he would not single out any individual entity in his friendly motion, but just go after the pollutants going into the lake. Commissioner Rackleff concurred.

The motion on the floor with the friendly amendment carried unanimously, 6/0 (Commissioner Proctor was out of the Chambers).

The Board engaged in discussion about Sean McGlynn providing a presentation regarding the Ochlochnee River and its impact on the County's lakes. It was the consensus of the Board to schedule an agenda item and ask Mr. McGlynn to bring back a presentation. The Board will also conduct a discussion on the strategy and possible lawsuit involving Georgia as discussed by Commissioner Rackleff. The Board directed the County Attorney to proceed with preliminary work for the agenda item.

23. Approval to Submit a Comprehensive Plan Amendment, Cycle 2003-2, to the Fred George Basin Special Development Zone (SDZ) Elevation A and Building Elevation

This is a request to submit a Comprehensive Plan Amendment, Cycle 2003-2, to the Fred George Special Development Zone (SDZ) A Elevation and Building Elevation (Attachment #1).

Carol Kio-Green, 4823 Sullivan Road, appeared and made various comments regarding the process for submitting a Comp Plan amendment for this cycle. She indicated that the time frames appear to be binding except for the City and County Commissioners who present amendments late. Ms. Kio-Green also remarked that the Science Advisory Committee and the Water Resources Advisory Committee should be reviewing the amendment.

John Kraynak, GEM, explained that the Huntington Woods Project was moving forward and the engineers had put together some information that justified the lower elevation. That project has since been annexed into the City because the City has a process through the notice of proposed change through the DRI that they are getting this actual elevation implemented for that particular project. Mr. Kraynak explained that staff decided to proceed forward with the amendment because they knew down the road that there could be other projects where this could apply; some areas in the County would be forced to annex just because the County does not have the elevation. He explained that there is no current project on the table, although staff has had a lot of inquiries from homeowners and developers whose lots are on the fringe and they have to build their houses up 4 or 5 feet higher than they really need to at this time.

Director of Community Development Gary Johnson explained that there has been speculation and discussion by staff about a large project in the Fred George Basin. This originated out of the Hopkins Crossing project, which is now being proposed for annexation into the City. The 108 elevation has been reviewed by engineers and they have concluded that it is wrong. Staff is attempting to come back and correct something in the Comp Plan that is wrong from an engineering and scientific standpoint; they are attempting to bring this forth to expedite the permitting process.

Commissioner Maloy moved and was duly seconded by Commissioner Proctor to approve Option 1: Direct staff to submit a Comprehensive Plan Amendment in Cycle 2003-2 to the Fred George Basin Special Development Zone Elevation A and Building Elevation. The Chairman urged the Board, in the future, to make a concerted effort to not file late Comp Plan Amendments.

Commissioner Winchester stated that if the Board were going to change some flood elevations, he would like to do some follow-up, i.e., flood assessment, information on the Fred George Basin

specifically in the unincorporated area. He stated that he would work with staff and determine exactly what needs to be done because the citizens in the area need a level of comfort that their homes will not be flooded, as the Huntington Woods Development is built-out. The Board concurred and Commissioner Winchester advised that a report would come back to the Board.

Commissioner Rackleff indicated that he would be more comfortable voting for this item if the Science Advisory Committee and the Water Resources Committee would review it. The Board concurred that there would be enough time for this to go through the two committees while it goes through the process.

Commissioner Sauls stated that she could support the motion if it were amended to go through the Science Advisory Committee and the Water Resources Committee. Commissioner Maloy amended his motion to go through the two committees.

The motion, as amended, carried unanimously, 7/0.

24. Request to Schedule Community Meetings to Discuss County Issues (continued from March 11, 2003)

This item seeks Board authorization to schedule community meetings to discuss County issues during the weeks of August 25, 2003 through September 12, 2003. The Board's continued commitment to increase citizen awareness and the theme established for town hall meetings, "Your Government, Your Community, Your Issues", take on increased importance as the Board develops and considers approval of the FY 2003-2004 annual budget.

Commissioner Maloy moved, duly seconded by Commissioner Sauls and carried unanimously, 7/0, to approve Option 1: Approve the scheduling of community meetings during the weeks of August 25, 2003 through September 12, 2003 as outlined above to discuss County issues:

Thursday, August 28, 2003 - District 1  
Tuesday, September 2, 2003 - District 2  
Thursday, September 4, 2003 - District 3 and 4  
Wednesday, September 10, 2003 - District 5

The focus of these meetings will be on issues that will impact the County's upcoming budget. Issues such as Emergency Medical Services, Solid Waste Management, and State Unfunded Mandates,

i.e. Medicaid cost shifts, Article V, Juvenile Justice Services will be presented. No other Board business will be taken up at these meetings and the Board's regular Tuesday night meetings will continue to be held during this time.

25. Appointments to Boards and Committees

Architectural Review Board:

Commissioner Thael recommended the nomination of David Rancourt and the Board concurred unanimously, 7/0. Commissioner Proctor recommended the appointment of Dr. Mohammed, architectural category. Commissioner Thael noted that the Architectural Director of the ARB recommended the appointment of Jason Hight. He remarked that the bylaws require that the person serving must have a background in architecture. Agenda Coordinator Christine Coble referenced the criteria of appointments listed in the agenda request. Commissioner Proctor will provide details on Dr. Mohammed. The appointment was continued to the next Board meeting, March 25, 2003.

Canopy Oaks Recreational Council:

Commissioner Proctor continued his appointment and stated that he would be willing to accept a recommendation from another Commissioner. Commissioner Winchester advised that he would bring a nomination back.

Chaires-Capitola Recreation Council:

Commissioner Winchester appointed Richard White.

Dorothy C. Spence (Chaires) Community Center Board of Directors:

Chairman Grippa suggested that the Commission determine which members are attending and which ones are not, and consider replacing the ones that have excessive absences. He remarked that if a Commissioner wishes to talk to their appointment before making an appointment, they should feel free to do so.

Chairman Grippa reappointed Dot Spence.  
Commissioner Maloy reappointed T. J. James.  
Commissioner Proctor reappointed Fred Palmer.  
Commissioner Sauls reappointed Addie Hopkins.  
Commissioner Thael reappointed Gerald Schluck.  
Commissioner Winchester reappointed Fran White.

Neighborhood Recognition Committee:

Commissioner Maloy appointed Kristie Harris.

Planning Commission:

Chairman Grippa recommended the appointment Terrence Hinson. Commissioner Rackleff recommended the appointment of Travis Potter. Through a show of hands, it was a unanimous vote for Terrence Hinson.

Woodville Recreational Council:

Commissioner Thael continued his appointment.

**Citizens to Be Heard on Non-Agenda Items:**

- a. Dwayne Huffman, 4732 Dauphine Avenue, President of the FSU Cycling Club, an advisory group for cycling appeared regarding the proposed sale of the Weems/Easterwood property. He stated the subject property is used for cycling, jogging, and other activities such as the FSU National and Olympic athletes. He stated that the course that would be taken away is approximately 3.2 miles out of the entire 4.7 mile trail and remarked that the trail brings in tourist dollars for various events. He pointed out that there are a lot of environmental issues that are involved such as improper water runoff, pollution and loss of the urban greenway and the adjacent animal shelter. Mr. Huffman pointed out that the City has created a council to redesign the entire Magnolia Trail System and the Goose Pond Trail was part of that, and how it will affect Tom Brown Park. Mr. Huffman urged the Board to not sell the subject property.

Chairman Grippa recommended the appointment of a committee that would review various issues and decide the portion of the land that should be sold. County Administrator Alam explained that an environmental survey on the property would not be ready until April. Chairman Grippa suggested that Commissioners Maloy, Rackleff, and Thael work as a committee along with staff regarding the pros and cons of the sale of the property and to determine the effect of the loss of taxable property to the County.

Commissioner Proctor referred to the piece of property that was not recommended to be sold and wanted to know what it would sell for and how it would affect the County taxable revenue stream.

- b. Becky Subrahmauyam, 1257 Cornerstone Lane, appeared and submitted information to the Board regarding alleged problems regarding the permitting process involving the speedway. She gave some background information. On January 21, 2003, she appeared before the Board and asked them to take up the



environmental issues. Since then, she has looked into it further and documented all the things that were omitted from the natural features inventory and environmental impact assessment and other items in the application. Some of the items she mentioned involved lack of a buffer around the race track and karst features at the bottom of the hill were not caught. She requested that the Board take up the environmental issues since the litigation is over and the County prevailed, and asked that this be done quickly because the project is moving forward without encumbrance. The items are summarized in the information that she provided to the Board.

County Attorney Thiele explained that the County Administrator has assigned review of the issues to the Office of Management and Budget (OMB). The County Attorney's Office is working with them and a report will be brought back to the County Administrator and the Board sometime in April.

Commissioner Thael pointed out that the allegations are that environmental staff did not follow the Code or ordinance. He asked if the OMB director had the technical ability to manage the investigation and if they had time to conduct the study in light of the upcoming budget. County Administrator Alam explained that in the past OMB has been assigned to investigate various issues involved in the Planning Department and Tourist Development Council and has done an outstanding job. OMB Director Alan Rosenzweig and Andrea Bird, Special Projects Coordinator, has already done a lot of research and since it is an independent agency, an unbiased report would be the result. Mr. Alam advised that they would also be looking at 10-12 other permits and conducting a thorough analysis of the issue in terms of what has happened, what was missed and what was not missed. He pointed out that if the Board were not satisfied with the report, then the next step would be to have an outside agency to look into it.

Commissioner Thael indicated that he was satisfied with the direction and hopes that OMB has access to legal guidance and other technical guidance; direction should be given to all County departments to fully cooperate.

OMB Director Alan Rosenzweig explained that the current status of the direction:

- Staff is looking at the overall site development review process and is using the raceway as one example

- He has met with the County Attorney and Community Development Director Gary Johnson and there will be unfettered access to all his staff as needed
- He had a preliminary meeting with David McDevitt, GEM, along with Andrea Bird, Special Projects Coordinator
- Staff has started the review process and have compiled and received all the relevant processes and one years' worth of permit information
- Staff will randomly pick 10 – 12 permits, Types A, B or C and obtain all documentation associated with those, comparable to what the Subrahmanyans have put together
- Staff will attempt to compare the permits to GEM's policies and procedures and appropriate sections of the County Code
- Staff will look at those specific permits - determine if they are being handled as they should be and bring a report back to the Board
- Noted that Andrea Bird, Special Projects Coordinator, would mitigate the OMB's impact given the budget season.

The Board engaged in discussion about the timeline and the impact of the project moving forward if inaccurate application of the code was discovered. Mr. Thiele explained that it depends on what the ultimate outcome of the review is; it is always possible that there could be an impact on the existing permit, although he does not think so.

Ms. Subramanyan indicated that since timing was an issue, she hoped that the Board would look at her specific case first before going through the global review of other permits.

Commissioner Rackleff explained the present status:

- Mrs. Subrahmanyam has provided information and Alan Rosenzweig is reviewing the specifics and will come back with his findings
- The County Attorney does not think it interferes with, or harms the County's legal position and is comfortable with the approach being taken
- Staff will continue as instructed and the Board will wait on the analysis

Mr. Thiele opined that the review has been crafted to allow them to proceed in a diligent and cautious fashion so the Board can receive a work product that does not place the County in a compromising position.

- b. Carol Kio-Green, 4823 Sullivan Road, circulated a copy of the Land Development Code, Sec. 10-954 (2) and 9(e) and read it into the record. She also explained that as she was reviewing information in Growth Management, she came across an application that required addressing natural features and an environmental analysis on the entire parcel. Ms. Kio-Green stated that the information should be provided by the applicant on the entire parcel (referring to the proposed raceway) and that is Ms. Subrahmanyam's request.

Ms. Kio-Green commented on Item 23 regarding the Fred George Basin Comp Plan submittal and referred to a comment made by Mr. John Kraynak regarding annexation. She stated that she hopes that when there are developments that are urban in nature, that they are annexed into the City and therefore, would pay for urban services.

Mrs. Kio-Green also referred to an agenda item a few weeks ago regarding using SHIP funds for rentals and referenced the Comp Plan Housing Policy, which encourages home ownership. She encouraged the Board to rethink assigning any SHIP funds to a commercial venture which only rents. Ms. Kio-Green encouraged staff to bring forward proposals to address the goals, objectives, and policies that are in the Comp Plan.

- c. Mr. C. B. Subrahmanyam, 1257 Cornerstone Lane, referred to the proposed raceway on Highway 20 and stated that he thought that the Board's duty was to find what is wrong, admit to it, and rectify it. He stated that the project involves over 100 acres and the entire parcel should be reviewed for compliance for environmental issues. Mr. Subrahmanyam urged the Board to carefully review the information that his wife provided and to not present stumbling blocks and time frames that would prevent them from presenting their case.

Chairman Grippa asked the County Attorney if staff has made an error in this situation regarding the raceway. County Attorney Thiele stated that he was not aware of any mistakes and that OMB will conduct a thorough review; staff will be reviewing 10 – 12 randomly-selected permits. If a permit was issued in error, it will be corrected immediately, and when the report is concluded, it will be placed on the agenda. It was noted that the Subrahmanyams cannot file a Chapter 163 compliant because they do not fall within the time frame and their only recourse is the courts.

County Attorney Thiele advised that his office is in an awkward position and explained the following:

- When GEM issues a development order that is not reviewable by the Board, his job is to advocate that position and win the case and they have done that in the case regarding the raceway
- The forum for raising all of the objections and allegations of inconsistencies and the Comp Plan is in that forum. That opportunity existed for the Subramanyans and they limited the number of issues that they raised
- The County litigated those issues, which they raised and the Administrative Law Judge ruled in the County's favor. Mr. Thiele advised that his job is to make that decision stick because that is his function
- Mr. Thiele explained that he is almost serving two potential clients, one is GEM and the other is to investigate the matter.

Mr. Thiele stated that it was his recollection that the review was bumped from Type A to Type B and noted that it is not possible under the Code to take Type A to a C or D type review.

The Board indicated that they would not seek attorney fees and costs involving the Subrahmanyans' case.

Mr. Thiele stated that the applicant, Seminole Raceway, still has to obtain an environmental permit and he believes that many of the issues which have been raised can be addressed during the environmental permit process and imposed upon the applicant if those are appropriate conditions and would be within the time frame. He responded to the Board's inquiries and stated that if technical errors were left off of the permit, he doubts that a Court would strike down a permit based on that alone; it would have to involve more substantive issues.

Chairman Grippa indicated that either the applicant would have to come into compliance or else the permit would be voided which appears to be the information they are getting from staff. He assured Mrs. Subrahmanyans that if anything is found wrong, the parties would be held accountable

#### **Discussion Items by Commissioners:**

##### **Commissioner Thaele:**

- a. Requested a retirement resolution for Captain Steve Bodiford after serving 30 years with the Sheriff's Department.

- b. Noted that the Leon County Lake Munson Restoration Project won one of eight awards for engineering - Excellence Award from the Institute of Consulting Engineers. On behalf of DCM, the Board expressed their appreciation and a resolution would be presented.
- c. Reported that on March 10<sup>th</sup>, the Board received an email from the County Administrator regarding problems at Lake Jackson regarding discharge of firearms, driving on the lakebed, and littering. Commissioner Thael circulated the memorandum, which suggested recommendations, and asked that it be brought back to the Board.

**Commissioner Proctor:**

- a. Noted that East on Magnolia, crossing Monroe Street, by the old firehouse near Walgreens, the road is not graded properly. Cars coming across Monroe Street dip down and it is not a smooth transition. Commissioner Proctor asked staff to investigate this since the grading is off.
- b. Requested a status about Springhill Road remaining in the Blueprint 2000 First Year projects list. Commissioner Proctor referred to the Blueprint 2000 meeting, which occurred last week, but was not finished. He wanted to ensure that the issue stayed on the table.
- c. Reported that there was a series of ragged DOT buildings located on Springhill Road including an old garage/shed and older houses. He requested that staff investigate the possibility of purchasing the site and removing the buildings. The site could be considered for County buildings such as the GEM building.

**Commissioner Rackleff:**

- a. Reported that a couple of weeks ago he attended, on behalf of the Board, the First Annual Lincoln Navy Junior ROTC John Reineking Run which was a successful event. Commissioner Rackleff explained that John was recently killed in an unfortunate automobile accident and the ROTC program has dedicated an annual 5K run in his memory. Commissioner Rackleff advised that he received a letter from John's parents expressing appreciation for all the responses. He requested that the letter be framed and hung in a prominent place in a hallway on the fifth floor of the Courthouse for a period of time.
- c. Commissioner Rackleff circulated a brochure about the upcoming Centennial field events and advised that a benefit performance of *Damn Yankees* will be held at Tallahassee Little Theater on April 2,

2003. The organization is involved in restoring the Centennial field to its original site on South Monroe Street near the CSX Railroad in Cascade Park.

**Commissioner Sauls:**

- a. Advised that she had received a request to place regulatory markers in Lake Talquin to mark the run of the Ochlochnee River for visitors or locals who do not know where the river runs. This could be dangerous and Commissioner Sauls requested that staff determine if the State would install the markers or if the County would have to and if so, determine the cost. She circulated a printout of information to the County Administrator and the Public Works Director that would be helpful on the matter.
- b. Commissioner Sauls reported that last Wednesday she participated in the North Florida Regional Domestic Security Task Force full-scale field exercise entitled "Operation Dark Cloud." The purpose of the exercise was designed to test operational plans, procedures, communications and coordination among the first responders to a weapons of mass destruction event. She circulated copies of a family disaster plan and encouraged fellow Commissioners to fill it out; copies for citizens are on the Red Cross website.
- c. Commissioner Sauls stated that there is a flyer by the American Red Cross for "Operation Adopt a GI" and suggested that the Board do something similar and prepare boxes of items that include candy, toothbrushes, puzzles, etc. This will go into the canteens to be sent to the American Troops and the cost is \$15 for postage. She commended the Chairman for initiating the "Yellow Ribbon Campaign."

**Chairman Grippa:**

- a. Requested that staff investigate the goings-on at the Mt. Zion Cemetery because there appears to be defacing of graves. The Chairman circulated a letter to staff on this matter.
- b. Circulated information to the County Administrator on information regarding a request for \$75,000 in midterm appropriations to fund three of eight correctional officers for the JAC. The grant was not filled out appropriately and the Chairman asked for the County Administrator to bring back an agenda item.
- c. Reported that on April 12, the Boys and Girls Club dedication, bar-b-que, and softball game is scheduled but this is the same day of the March of Dimes Walk. Chairman Grippa asked that staff immediately contact Paul Cozzie, Parks and Recreation Director, to

move the event to Sunday afternoon, April 13<sup>th</sup> or the prior Sunday, April 6<sup>th</sup>.

- d. Requested that the County Administrator investigate a "Family Club" on Crump Road and a club on Bradfordville Road to determine if the clubs are operating legally and are actually BYO; there have been problems with noise, traffic accidents, and a there is a general nuisance. County Attorney Thiele will provide background information on the issue.
- e. Chairman Grippa inquired as to why Fallschase has not paid taxes since 1975. County Attorney Thiele explained that the plat that the Board approved a few months ago could not be recorded and processed because of the unpaid taxes. The County Administrator advised that Fallschase paid a large amount on unpaid taxes in 1995. The Chairman recommended that whatever needs to be done to ensure that they pay their taxes should be done. He indicated that it might be necessary to bring back an agenda item on whether or not to allow their taxes to go unpaid.
- f. Reported that Grace Dansby called him about the status of the Piney Z pond that she donated to the City and County. Apparently it is a premier fishing hole, which has gotten into a dilapidated condition and the covenants that were there when Ms. Dansby donated it allowed physically disabled citizens to use it. Chairman Grippa stated that they are unable to use it because of the deterioration of the ramp and directed staff to ensure that the County is in compliance. Staff advised that it is a City park and is not yet opened. The County Administrator will provide a report on the issue.
- g. Suggested joining with the City in a Joint City County Resolution to the Governor opposing his plans for the reduction of SHIP housing trust funds.
- h. Reported that at 11:00 a.m. on Friday, March 21, 2003, there will be a "Support the Troops" for the "Yellow Ribbon Campaign" Rally at the Capital and all are encouraged to attend. Chairman Grippa advised that the yellow ribbons can be obtained at the Armory and there will be a fund raising for the Troops' families over the next 2 - 3 few months. He encouraged all to support and pray for the American Troops.

The Commissioners extended sincere condolences to County Administrator Alam for the recent passing of his wife and to Commissioner Winchester for the passing of his brother.

There being no further business to come to the Board,  
Commissioner Rackleff moved, duly seconded by Commissioner Sauls  
and carried unanimously, to adjourn the meeting 8:37 p.m.

APPROVED: \_\_\_\_\_  
Tony Grippa  
Chairman

ATTEST:

\_\_\_\_\_  
Bob Inzer  
Clerk of the Circuit Court